

Application No.: 10/026,171  
Response dated: October 14, 2004  
Reply to Office Action of January 27, 2004

### REMARKS

Reconsideration of the present claims, in light of the above claim clarifications and the Remarks which follow, is respectfully requested.

Claims now before the Examiner are 1-12, and 13-29.

An Appeal Brief filed June 9, 2004 is withdrawn with the filing of this RCE.

Note: this response addresses the issues of the last outstanding action of January 27, 2004. Two additional documents are being concurrently submitted via an Information Disclosure Statement, they are US 5,739,368 and JP 3,496,955.

Support for the new claims is found as follows:

Claim 23: Paragraphs [0016], [0017], [0020] and [0021].

Claim 24: Paragraph [0021].

Claim 26: Example 9 (dichloride) and at paragraph [0045] (at least one fluoride) and paragraph [0018] (n=2).

For the remaining new claims, support is the same as that shown above.

The numbering in this response will follow that of the Examiner's Action.

1. No response necessary.

#### **Rejections Under 35 USC § 112, second paragraph**

2. *Claims 4, 5, 14 and 21 stand rejected under 35 USC § 112, Second Paragraph*

In the Examiner's Answer, these issues were stated to be resolved.

Withdrawal of the Rejections is respectfully requested.

3. No response necessary.

#### **Rejection Under 35 USC § 102**

4. *Claims 1-4, 6, 7, 14, 15, and 18-20 stand Rejected under 35 USC § 102(b) as Anticipated by WO 96/35729 (Razavi I).*

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Razavi I suggests "...a) reacting a metallocene with an alumoxane at a temperature comprised between 15 and 50°C..." abstract; page 2, lines 31-32; page 3, lines 22-23 and Examples at page 10, line 19. Razavi I does not disclose separately heating the metallocene or the metallocene and an alumoxane. The present claims are directed to separate steps, among which are heating of the metallocene or heating the metallocene and an alumoxane.

Absent such disclosure, the present claims are not Anticipated by Razavi I.  
Accordingly, withdrawal of the Rejection is respectfully requested.

#### **Rejections Under 35 USC § 103**

5. *Claims 1-12, 14 and 18-22 stand Rejected under 35 USC § 103(a) as Obvious over Razavi I.*

As noted above, Razavi discloses only heating the metallocene and activator to between 15°C and 50°C, and all Razavi examples show combination of metallocene and activator at 25°C. This is contrasted above with the present claim language.

Absent a disclosure or suggestion in Razavi I to the higher (claimed) temperatures for the step of treatment of the metallocene or the treatment of the metallocene and activator, Razavi I does not render the present claims Obvious.

Accordingly, withdrawal of the Rejection is respectfully requested.

6. *Claims 1-12 and 14-22 stand Rejected under 35 USC § 103(a) as Obvious over Razavi I in view of US 5,914,289 (Razavi II).*

Razavi I is discussed above.

Razavi II neither discloses or suggests the claimed temperature ranges for the reaction of the metallocene compound or the metallocene-activator compound, nor a separate step for the heating of these components. Razavi II suggests the same temperatures for reacting the metallocene with an aluminoxane as Razavi I, (specifically, between 15 and 50°C) (note column 4, lines 7-9 and column 4, lines 31-34 of Razavi II). Therefore Razavi II adds nothing to Razavi I.

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Absent a disclosure or suggestion to the currently claim reaction temperatures, the combination does not render the present claims Obvious.

Accordingly, withdrawal of the Rejection is respectfully requested.

7. - 9. No response necessary.

All of the Examiner's Rejections have been addressed.

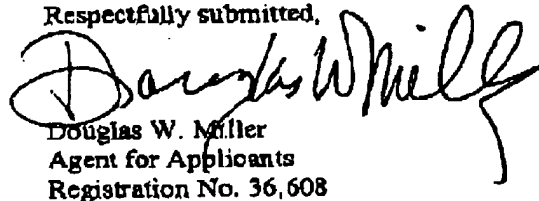
The claims are in condition for allowance.

Note is made that the correspondence should be sent to:

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Respectfully submitted,

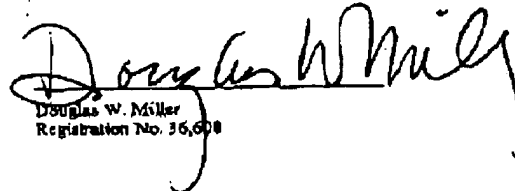


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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on October 14, 2004.



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